



11 S. Meridian Street  
Indianapolis, IN 46204-3535 U.S.A.  
(317) 236-1313  
Fax (317) 231-7433

www.btlaw.com

T. Joseph Wendt  
Partner  
317-231-7748  
joseph.wendt@btlaw.com

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June 20, 2023

**VIA ECF**

The Honorable Mary Kay Vyskocil  
United States District Judge

RE: *Pacific Controls, Inc. v. Cummins Inc.*, 1:19-cv-03428-MKV-BCM

Dear Judge Vyskocil:

We write on behalf of Cummins Inc. regarding the final pre-trial conference in this case, which last Friday, June 16, 2023 was rescheduled from June 27, 2023 at 2:00 pm to June 30, 2023 at 1:00 pm. We understand, pursuant to the Court's Civil Practice Rules, that principal trial counsel must appear at all conferences with the Court, including the final pre-trial conference. Unfortunately, one of Cummins' principal trial counsel, Victor Vital, has an unmovable conflict on the rescheduled date of the conference. Cummins' other trial counsel, myself and David Pegno, are available on that date and will attend.

Given the proximity of trial, Cummins respectfully requests that the June 30 conference proceed and that Mr. Vital be excused from participation on that date. Counsel for Plaintiff, Pacific Controls, Inc., does not object to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Joseph Wendt'.

T. Joseph Wendt

**Granted. SO ORDERED.**

Date: 6/21/2023  
New York, New York

A handwritten signature in black ink, appearing to read 'Mary Kay Vyskocil'.  
Mary Kay Vyskocil  
United States District Judge